

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA)	Criminal Case No. 7:10cr00060-1
)	
v.)	<u>ORDER</u>
)	
BARRY MONROE OWENS, JR.,)	By: Michael F. Urbanski
)	United States District Judge

This matter is before the court on defendant Barry Monroe Owens, Jr.'s motion (Docket No. 104) seeking recalculation of his guideline and a corresponding reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 of the United States Sentencing Guidelines. Under § 3582(c)(2), the court may, but is not required to, modify a defendant's term of imprisonment where the defendant was sentenced based on a sentencing range that has been subsequently lowered by the Sentencing Commission. Amendment 782, which became effective on November 1, 2014, generally reduced by two levels the base offense levels assigned to the drug quantities in §§ 2D1.1 and 2D1.11 of the United States Sentencing Guidelines. Although Amendment 782 is retroactively applicable, the Amendment provides that no defendant may be released earlier than November 1, 2015. The court will, at an appropriate time, determine Owens' eligibility and consider whether to modify Owens' sentence under Amendment 782. Accordingly, it is hereby **ORDERED** that Owens' motion is **TAKEN UNDER ADVISEMENT** until further order of the court.

The Clerk is directed to send a copy of this Order to the parties.

Entered: December 16, 2014

Michael F. Urbanski

Michael F. Urbanski
United States District Judge